

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

GARY D. KELLEY,
Plaintiff,

Case No. 1:19-cv-0083
Dlott, J.
Litkovitz, M.J.

vs.

LAKEVIEW LOAN SERVICING, LLC,
Defendant.

ORDER

This matter is before the Court following a telephone status conference held on April 18, 2019, regarding defendant Bayview Loan Servicing, LLC (Bayview)'s intent to pursue sanctions against plaintiff Gary D. Kelly for submitting an allegedly fabricated email to this Court as an exhibit to, and in support of, the original complaint filed in this lawsuit. (*See* Doc. 1). Prior to the conference, counsel for the parties exchanged correspondence with each other and with the Court setting forth the procedural and factual background of the parties' dispute and their positions on the matter. (*See* attachments hereto). Based on the parties' submissions and the record established at the hearing, the Court determines that this matter shall proceed as follows:

- Plaintiff and plaintiff's counsel shall preserve all email accounts and all electronic devices relevant to the issue of the allegedly fabricated email for the duration of the litigation.
- Plaintiff and Bayview shall select an independent consultant to perform, at defendant's expense, a forensic examination of plaintiff's electronic devices used for transmitting emails and shall develop a protocol for conducting discovery on the limited issue of the allegedly fabricated email.

- Plaintiff and Bayview shall, **within 14 days**, submit to the Court for its review a proposed stipulated Protective Order applicable to the discovery of the relevant electronic devices and data.
- Plaintiff and Bayview shall submit to the Court, **within 14 days**, a proposed schedule related to (1) completing discovery on the limited issue of whether plaintiff submitted a fabricated email to the Court in an attempt to subvert the processes of the Court, and (2) briefing Bayview's anticipated motion for sanctions.
- The current calendar deadlines are **STAYED** pending further Order of the Court.

IT IS SO ORDERED.

Date: 4/19/19


Karen L. Litkovitz
United States Magistrate Judge